

**MEDICAL EXAMINING BOARD
DECEMBER 15, 2004
MEETING MINUTES**

PRESENT: Mary Cook, JD; Lief Erickson, MD; Alfred Franger, MD; Jon Gudeman, MD; Virginia Heinemann (by phone); Sujatha Kailas, MD; Jack Lockhart, MD; Ian Munro, MD; Gene Musser, MD; Sandra Osborn, MD; and Bhupinder Saini, MD.

EXCUSED: Daniel Miota, DO

STAFF: Tom Ryan, Bureau Director; Colleen Baird, DRL Board Counsel; Kevin Murphy, Bureau Assistant; and DOE Staff

GUESTS: Mark Grapentine, WMS

CALL TO ORDER

Chair Alfred Franger, MD, called the meeting to order at 8:05 a.m., and introduced new member, Sandra Osborn, MD, to the Board.

APPROVAL OF AGENDA

Additions:

“Wisconsin Medical Society correspondence re: mobile diagnostics” added after Item C.

November 16, 2004 Wall Street Journal Article and FSMB response added to Item D.

Request for reconsideration of limited license – John McVey, MD, added after Item G.

Additional correspondence added to Item I.

DOE Call History added to Item O.

Deliberation of Proposed Stipulation, Final Decision and Order – Mark Benson, MD, added after item O.

Monitoring received in Bureau after mailing of agenda – Channing Wiersema, MD.

MOTION: Dr. Gudeman moved, seconded by Ms. Cook, to approve the agenda with additions. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 17, 2004

MOTION: Dr. Lockhart moved, seconded by Dr. Saini, to approve the minutes of November 17, 2004 as drafted. Motion carried unanimously.

REPORT OF SCREENING PANEL

Ms. Heinemann reported that of the 36 cases screened 9 were opened, 5 required more information, and 22 were closed.

ADMINISTRATIVE REPORT

2005 Meeting Schedule

MOTION: Dr. Kailas moved, seconded by Dr. Gudeman, to approve the revised 2005 meeting schedule. Motion carried unanimously.

JANUARY SCREENING PANEL

Dr. Kailas, Dr. Franger, and Ms. Heinemann will serve on the January screening panel.

BUDGET REPORT

The Bureau Director summarized the personnel and program cuts that are included in the Department's budget proposal. Ms. Heinemann expressed concern at the proposed elimination of IPP.

PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN THE MATTER OF JULIE DEJONG, MD, BY ATTORNEY PAM STACH – CASE 02 MED 359 – CASE ADVISOR – DR. ALFRED FRANGER

DOE Attorney Pam Stach presented the proposed stipulation, final decision and order. This matter will be deliberated on in closed session.

PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN THE MATTER OF MARK BENSON, MD, BY ATTORNEY JACK ZWIEG – CASE 04 MED 434 – CASE ADVISOR – DR. DANIEL MIOTA

DOE Attorney Jack Zwieg presented the proposed stipulation, final decision and order. This matter will be deliberated on in closed session.

WMS GUIDELINES FOR THE ASSESSMENT AND MANAGEMENT OF CHRONIC PAIN – DISCUSSION

Dr. Saini lamented the limited education of physicians in the area of assessment and management of chronic pain. After praising the WMS document, Dr. Saini stated that he doubts many physicians take the time read these types of tutorials. Dr. Lockhart asked that the Department do some preliminary research into what states require pain management education within their CME rules. Florida and California were mentioned as possible models.

WMS CORRESPONDENCE REGARDING MOBILE DIAGNOSTICS – DONALD DAHLSTROM, MD

The Board agreed that if Dr. Dahlstrom is in fact providing medical services in Wisconsin, he must acquire a license. DRL Board Counsel stated that she would send a letter to Dr. Dahlstrom and cite the Wisconsin statutes on unlicensed practice. She will recommend that Dr. Dahlstrom

apply for licensure in Wisconsin, and if he does not respond promptly, the matter will be referred to the Division of Enforcement for investigation.

REVIEW OF ORAL EXAM QUESTIONS – DARWIN TICHENOR, OFFICE OF EXAMINATIONS

Dr. Erickson agreed to serve as the Board's liaison for exam question review; he and Mr. Tichenor will review the questions after the meeting.

INFORMATIONAL ITEMS

Noted.

CLOSED SESSION

MOTION: Dr. Erickson moved, seconded by Dr. Kailas, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation with administrative warning (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Motion carried unanimously in a roll call vote. Cook—yes; Franger—yes; Erickson—yes; Gudeman—yes; Heinemann—yes; Kailas—yes; Lockhart—yes; Munro—yes; Musser—yes; Osborn—yes; Saini—yes.

RECONVENE INTO OPEN SESSION TO VOTE ON ITEMS DELIBERATED ON IN CLOSED SESSION

MOTION: Dr. Saini moved, seconded by Dr. Musser, to reconvene into open session. Motion carried unanimously.

DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN THE MATTER OF JULIE DEJONG, MD – CASE ADVISOR – DR. ALFRED FRANGER

MOTION: Dr. Munro moved, seconded by Ms. Heinemann, to adopt the proposed stipulation, final decision and order in the matter of Julie DeJong, MD. Motion carried.

DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN THE MATTER OF MARK BENSON, MD – CASE ADVISOR – DR. DANIEL MIOTA

MOTION: Dr. Erickson moved, seconded by Dr. Musser, to adopt the proposed stipulation, final decision and order in the matter of Mark Benson, MD. Motion carried unanimously.

CONSIDERATION OF ORDER FIXING COSTS IN THE MATTER OF KHALIL BAROUD, MD

MOTION: Dr. Lockhart moved, seconded by Dr. Munro, to adopt the order fixing costs in the matter of Khalil Baroud, MD. Motion carried unanimously.

VISITING PROFESSOR APPLICATION REVIEW – WILLIAM H. SMITH, MD

MOTION: Dr. Erickson moved, seconded by Dr. Munro, to grant a visiting professor license to William H. Smith, MD. Dr. Musser abstained from deliberation and voting. Motion carried.

CHALLENGE TO SCORE ON STATUTES AND RULE EXAMINATION – DARWIN TICHENOR, OFFICE OF EXAMINATIONS

After reviewing the challenge, the Board offered the following motion:

MOTION: Dr. Saini moved, seconded by Dr. Musser, to accept the score challenge of Charles Magraw, MD, and to grant him a license. Drs. Kailas and Osborn abstained from deliberation and voting. Motion carried.

DOE MONITORING:

REQUEST FOR FULL LICENSURE – SCOTT CONANT, MD

MOTION: Dr. Gudeman moved, seconded by Dr. Saini, to grant full licensure to Dr. Scott Conant. Dr. Munro abstained from deliberation and voting. Motion carried.

REQUEST FOR REINSTATEMENT OF LIMITED LICENSE – JOHN FERRIS, MD

MOTION: Dr. Lockhart moved, seconded by Dr. Musser, to deny Dr. Ferris' request for reinstatement of his limited license, but to allow him to re-petition the Board in three months. Urine screens should be increased to twice per week, and he must attend therapy twice per month with a Board appointed psychiatrist. Motion carried unanimously.

REQUEST FOR FULL REINSTATEMENT OF LICENSE – LANCE YEOMAN, DO

MOTION: Dr. Erickson moved, seconded by Dr. Lockhart, to fully reinstate the license of Lance Yeoman, DO. Motion carried unanimously.

REQUEST FOR THREE MONTH STAY – BENJAMIN BEGLEY, MD

MOTION: Dr. Munro moved, seconded by Ms. Heinemann, to grant a three month stay of suspension in the matter of Benjamin Begley, MD. Motion carried unanimously.

REQUEST FOR THREE MONTH STAY – JOHN GREGORY HOFFMANN, MD

MOTION: Dr. Munro moved, seconded by Ms. Heinemann, to grant a three month stay of suspension in the matter of John Gregory Hoffmann, MD. Motion carried unanimously.

REQUEST FOR THREE MONTH STAY – JEFFREY JUNIG, MD

MOTION: Dr. Munro moved, seconded by Dr. Saini, to grant a three month stay of suspension in the matter of Jeffrey Junig, MD. Dr. Gudeman abstained from deliberation and voting. Motion carried.

REQUEST FOR THREE MONTH STAY WITH MODIFICATIONS – THOMAS STRICK, MD

MOTION: Dr. Lockhart moved, seconded by Dr. Erickson, to grant a three month stay and to reduce the required urine screens to 26 per year. Motion carried unanimously.

REQUEST FOR THREE MONTH STAY AND POSSIBLE BOARD VIOLATION – ROBIN FERRON, MD

MOTION: Dr. Musser moved, seconded by Dr. Erickson, to deny the stay request of Robin Ferron due to non-compliance. Dr. Saini abstained from deliberation and voting. Motion carried.

REQUEST FOR REINSTATEMENT OF LICENSE – CHANNING WIERSEMA, MD

MOTION: Dr. Saini moved, seconded by Dr. Gudeman, to reinstate the license of Channing Wiersema, MD. Motion carried unanimously.

REQUEST FOR RECONSIDERATION OF LIMITED LICENSE – JOHN MCVEY, MD

MOTION: Dr. Erickson moved, seconded by Dr. Munro, to grant an unrestricted license to Dr. John McVey, under the condition that he enter the IPP for a period of three years. Dr. Musser abstained from deliberation and voting. Motion carried.

DOE CASE CLOSINGS

- MOTION:** Dr. Munro moved, seconded by Dr. Erickson, to close case 02 MED 239 for no violation. Motion carried unanimously.
- MOTION:** Dr. Saini moved, seconded by Dr. Lockhart, to close case 02 MED 230 for no violation. Motion carried unanimously.
- MOTION:** Dr. Erickson moved, seconded by Dr. Saini, to close case 03 MED 354 for prosecutorial discretion (compliance gained). Ms. Cook abstained from deliberation and voting. Motion carried.
- MOTION:** Dr. Saini moved, seconded by Ms. Heinemann, to close case 02 MED 295 for insufficient evidence. Motion carried unanimously.
- MOTION:** Dr. Lockhart moved, seconded by Dr. Erickson, to close case 03 MED 424 for P5. Motion carried unanimously.
- MOTION:** Dr. Lockhart moved, seconded by Dr. Erickson, to close cases 02 MED 034, 02 MED 061, 02 MED 089, 02 MED 102, 02 MED 290, and 02 MED 384 for P7. Motion carried unanimously.

RATIFICATION OF LICENSES AND CERTIFICATES

- MOTION:** Dr. Munro moved, seconded by Dr. Musser, to ratify all licenses and certificates. Motion carried unanimously.

RATIFICATION OF EXAM SCORES

- MOTION:** Dr. Saini moved, seconded by Dr. Erickson, to ratify all exam scores. Motion carried unanimously.

APPROVAL OF ALL MOTIONS MADE IN CLOSED SESSION

- MOTION:** Dr. Erickson moved, seconded by Dr. Lockhart, to approve all motions made in closed session. Motion carried unanimously.

ADJOURNEMENT

- MOTION:** Dr. Musser moved, seconded by Dr. Saini, to adjourn the meeting at 12:30 p.m. Motion carried unanimously.

Next Meeting: January 26, 2005